



## **Montana Fish, Wildlife & Parks**

P.O. Box 1630  
Miles City, MT 59301  
(406) 234-0900  
Fax 234-4368

### **ENVIRONMENTAL ASSESSMENT CHECKLIST**

#### **PART 1. PROPOSED ACTION DESCRIPTION**

Project Title: Region 7 proposed pond stocking efforts.

Application Date: 6/11/14

Name, Address and Phone Number: Caleb Bollman

P.O. Box 1630

Miles City, MT 59301

**Project Location(s):** Chamberlain #2 is located on Indian Creek a tributary of Squaw Creek in the Missouri River drainage in Garfield County near Brusett. A.G. Lee #2 is located on an unnamed tributary of Dry Creek a tributary of Little Porcupine Creek in the Yellowstone River drainage in Rosebud County near Forsyth. Johnson is located on the Middle Fork Deer Creek a tributary of South Fork Deer Creek a tributary of Deer Creek in the Yellowstone River drainage in Dawson County near Lindsay. Rieger is located on Hay Creek a tributary of O'Fallon Creek in the Yellowstone River drainage in Fallon County near Plevna. Lake Harold is located on Sarpy Creek in the Yellowstone River drainage in Treasure County near Hysham. MacNab Pond is located on the Harmon Creek a tributary of Boxelder Creek a tributary of the Little Missouri River in the Missouri River drainage in Carter County near Ekalaka. Pinnow Reservoir #2 is located on Buffalo Creek a tributary of Little Beaver Creek a tributary of the Little Missouri River in the Missouri River drainage in Fallon County near Baker, Pinnow Reservoir is located on Buffalo Creek a tributary of Little Beaver Creek a tributary of the Little Missouri River in the Missouri River drainage in Fallon County near Baker. Hansen Pond is located on an unnamed tributary of Boxelder Creek a tributary of the Little Missouri River in the Missouri River drainage in Carter County near Belltower.

**Description of Project(s):**

Complete a wild fish transfer of up to 250 white and black crappie, 4-14 inches long from Tongue River Reservoir in Big Horn County near Decker to each of the following bodies of water; Chamberlain #3, Johnson Reservoir, Lake Harold, and Rieger. Complete a wild fish transfer of up to 100 northern pike, 7-30 inches long from South Sandstone Reservoir in Fallon County, near Plevna to A.G. Lee #2.

Stock 500-1500 fingerling (2-3 inches) largemouth bass at each of the following bodies of water; Pinnow #2, Pinnow Reservoir, MacNab Pond, Lake Harold, and Hansen Pond. Largemouth bass propagated by the Miles City fish hatchery are the product of a captive broodstock maintained by the hatchery.

Stock 500-1500 fingerling (2-3inches) channel catfish at each of the following bodies of water; Pinnow #2, Pinnow Reservoir, Castle Rock Lake, Chamberlain #2, and MacNab Pond. Fingerling channel catfish propagated by the Miles City fish hatchery are the product of pre-spawn wild parents captured annually on the Yellowstone or Tongue River near Miles City.

Stock 1000-1500 fingerling (7-9inches) northern pike at each of the following bodies of water; Homestead Reservoir, Lindsay Reservoir, A.G. Lee #2, and Gardner Reservoir #2. Fingerling northern pike propagated by the Miles City fish hatchery are the product of pre-spawn wild parents opportunistically captured during the walleye spawning efforts on Ft. Peck Reservoir.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

BLM – Miles City Field Office – Jake Chaffin, Fisheries Biologist  
DNRC – Eastern Lands Office - Chris Pileski, Land Use Program Manager

## **PART 2. ENVIRONMENTAL REVIEW**

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X			X
3. Introduction of new species into an area			X			X
4. Vegetation cover, quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics			X			

### **Comments**

All stockings have the potential to impact the food web and aquatic ecosystem of their stocking location and to a lesser extent to streams and rivers downstream of the locations. There is a possibility that fish may run upstream or flush out of the reservoir system during significant water events. Minimal levels of escape upstream or downstream out of the reservoir system are unlikely to have a measurable or negative effect on the fish assemblages or aquatic ecosystems as all proposed stocking locations except Rieger and Lake Harold are on ephemeral streams that have not been documented to be fish bearing and all proposed species to be stocked have been documented in the main stem Yellowstone and Missouri Rivers in varying abundances. Any escaped fish from these proposed stockings are not expected to establish in the intermediate prairie stream habitats or

change their present impact in the main stem rivers.

It is the goal of the proposed stocking effort to use channel catfish and/or largemouth bass in Pinnow #2, Pinnow Reservoir, MacNab Pond, and Hansen Pond to suppress existing green sunfish and bullhead catfish populations while diversifying angling opportunity. It is the goal of the proposed stocking effort to use northern pike in A.G. Lee #2 to suppress existing green sunfish and bullhead catfish populations while diversifying angling opportunity. Stockings of crappie and channel catfish in Rieger and Chamberlain #3 that are assumed or have documented low numbers of fish are intended to provide new fishing opportunities and will have a competitive impact on existing populations of waterfowl and amphibians for aquatic insects.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat		X				X
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities		X				X
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

## **Comments**

The intent of the proposed wild fish transfers and hatchery stockings are to provide new or improve existing angling opportunity to complement existing public benefits to fish and wildlife populations on public and private land in FWP region 7.

Proposed stockings are intended to improve anglers access to sport fish in the water bodies to be stocked as well as improve the diversity of species available to anglers within close proximity to local communities throughout FWP region 7.

**Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?**

No significant risks are currently known.

**Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?**

Risks as described in this question are not anticipated.

**Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:**

No action – Do not stock or transfer fish to the proposed locations and provide no additional public fishing opportunity

Continue with present management strategy for stated bodies of water – This option would continue rainbow trout stockings at many locations that have become ineffective because of the presence of bullhead catfish and green sunfish. Trout growth and survival is poor when stocked in the presence of these species.

Stock or transfer the proposed species of fish (or only part of the complement of species proposed for a specific body of water) in proposed water bodies (or only a subset of the proposed locations).

**Individuals or groups contributing to, or commenting on, this EA:**

Bureau of Land Management  
Miles City, MT

Eastern Lands Office – DNRC  
Miles City, MT

**EA prepared by and comment to:**

Caleb Bollman  
Fisheries Biologist – Region 7  
P.O. Box 1630  
Miles City, MT 59301

**Date Completed:**

June 11, 2014

**Comment by:**

July 11, 2014

# APPENDIX A

## PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES

NO

- |       |                |  |
|-------|----------------|--|
| _____ | <u>x</u>       | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?  |
| _____ | <u>x</u> _____ | 2. Does the action result in either a permanent or indefinite physical occupation of private property?   |
| _____ | <u>x</u> _____ | 3. Does the action deprive the owner of all economically viable uses of the property?  |
| _____ | <u>x</u> _____ | 4. Does the action deny a fundamental attribute of ownership?  |
| _____ | <u>x</u> _____ | 5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is <b>NO</b> , skip questions 5a and 5b and continue with question 6.] |
| _____ | _____          | 5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?  |
| _____ | _____          | 5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?  |
| _____ | <u>x</u> _____ | 6. Does the action have a severe impact on the value of the property?  |

- \_\_\_\_\_ x \_\_\_\_\_ 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
- \_\_\_\_\_ x \_\_\_\_\_ 7a. Is the impact of government action direct, peculiar, and significant?
- \_\_\_\_\_ x \_\_\_\_\_ 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
- \_\_\_\_\_ x \_\_\_\_\_ 7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.